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Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.No. 4843 /2005

PETITIONER
PLAINTIFF

: Santosh Devi Yadav, W/o. H.N.Yadav, aged about 36 years, R/o. Netaji Chowk, New Shanti Nagar, Tahsil and District Raipur (C.G.).

VERSUS

RESPONDENTS
DEFENDANTS

: Vinod Kumar S/o. R.R.Sharma, aged about 35 years, Occupation-Furniture Comtractor, R/o. New Shanti Nagar, Tahsil and District Raipur (C.G.).

P.R. No. 4374/05
Presented by Shri S.C. Verma
dated 27/8/05

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA

(38)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 4843/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.10.2005 Shri S.C. Verma, counsel for the petitioner. Heard. The petitioner has filed this writ petition being aggrieved with the order dated 20.3.2005 passed in civil suit No. 39-A/2004. By the impugned order, learned trial Judge directed for consolidated hearing of civil suit No. 10-A/2004 *(Kailash Sharma -v.- Moruram Yadav & other)* along with the present civil suit bearing No. 39-A/2004. The facts are that the petitioner/plaintiff has filed a suit for eviction and rent against the respondent namely Vinod Kumar vide civil suit No. 39-A/2004. This civil suit was pending before the trial Court. This civil suit for eviction was filed under Sections 12 (1) (e) and 12 (1) (a) of the M.P. (C.G.) Accommodation Control Act, 1961. The written statement in the suit was also filed by the defendant Vinod Kumar. It appears that in the aforesaid written statement, the defendant took a plea that the suit premises was agreed to be sold by the plaintiff to his brother namely Kailash Sharma under an agreement to sale dated 27.1.2005. He also took this plea that upto 27.1.2005, he was the tenant of the plaintiff and thereafter, he is residing in the suit premises as a licencee of his brother Kailash Sharma. Another civil suit bearing No. 10-A/2004 was filed by Kailash Sharma against the plaintiff of this case and her husband (*Kailash Sharma –v- Moruram Yadav & other*) and the said suit has been filed for specific performance of contract dated 27.1.2005, said to have been executed for sale of premises to the plaintiff of the aforesaid suit. It appears that the defendant in this suit filed an application for stay of present civil suit and also for consolidation of the present civil suit along	

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XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.4843/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

with civil suit No. 10-A/2004. The learned trial judge, after hearing the parties, disposed of the application and consolidated both the civil suits bearing No. 39-A/2004 and 10-A/2004. It was directed that a consolidated hearing of both the civil suits will take place. However prayer for stay of proceedings of present civil suit under Section 10 of C.P.C. was rejected. It is against this order, the plaintiff of civil suit No. 39-A/2004 has filed this writ petition.

Learned counsel for the petitioner submits that in consolidated hearing of both the suits, the interest of plaintiff would be jeopardised. There is no prohibition in law to consolidate the civil suits of above nature. It is not going to jeopardize the intent of the petitioner.

Considering the facts and circumstances of the case, I do not find any infirmity in the order passed by the trial Court. The writ petition filed against the impugned order has no merit and the same is dismissed in limine.

Sd/-
Sunil Kumar Sinha
Judge